

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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COWAN, LIEBOWITZ & LATMAN, P.C.,
Plaintiff,

-against-

DAVID & GOLIATH, INC.,
Defendant.

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USDC SDNY
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DATE FILED: 10/11/13

13 Civ. 07140 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

This case has been assigned to me for all purposes. It is hereby ORDERED that counsel for all parties appear for an initial pretrial conference with the Court at the time and place listed below. All pretrial conferences must be attended by the attorney who will serve as principal trial counsel. Any open legal issues can be addressed at the conference.

All parties are required to register promptly as filing users on ECF. Counsel are further required to review and comply with the Court's Individual Rules and Procedures ("Individual Rules") (available at the Court's website, <http://nysd.uscourts.gov/judge/Schofield>).

Counsel are directed to confer with each other prior to the conference regarding settlement and each of the other subjects to be considered at a Fed. R. Civ. P. 16 conference. Additionally, in accordance with the Court's Individual Rules, the parties are hereby ORDERED to submit via email (Schofield_NYSDChambers@nysd.uscourts.gov) a Proposed Civil Case Management Plan and Scheduling Order in PDF format **no later than 7 days before the initial pretrial conference**. The parties shall use this Court's form Proposed Case Management Plan and Scheduling Order available at the Court's website (<http://nysd.uscourts.gov/judge/Schofield>).

IT IS FURTHER ORDERED that included with the Proposed Civil Case Management Plan, the parties submit one copy of the parties' pleadings and a joint letter, not to exceed 5 pages, providing the following information in separate paragraphs:

- (1) A brief statement of the nature of the case, the principal claims and defenses, and the major legal and factual issues that are most important to resolving the case, whether by trial, settlement or dispositive motion;
- (2) A brief statement by plaintiff as to the basis of subject matter jurisdiction and venue, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction and venue. Statements shall include citations to relevant statutes. In addition, in cases for which subject matter jurisdiction is founded on diversity of citizenship, the parties shall comply with the Court's Individual Rule IV.A.3;

- (3) A brief description of any (i) motions that any party seeks or intends to file, including the principal legal and other grounds in support of and opposition to the motion, (ii) pending motions and (iii) other applications that are expected to be made at the status conference;
- (4) A brief description of any discovery that has already taken place, and any discovery that is likely to be admissible under the Federal Rules of Evidence and material to proof of claims and defenses raised in the pleadings. (This is narrower than the general scope of discovery stated in Rule 26(b)(1));
- (5) A computation of each category of damages claimed, *see Fed. R. Civ. P.* 26(a)(1)(A)(iii);
- (6) A statement describing the status of any settlement discussions and whether the parties would like a settlement conference; and
- (7) Any other information that the parties believe may assist this Court in resolving the action.

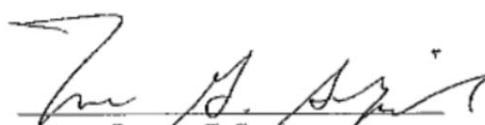
If this case has been settled or otherwise terminated, counsel are not required to appear, provided that a stipulation of discontinuance, voluntary dismissal, or other proof of termination is sent prior to the date of the conference via email to the Orders and Judgment Clerk at the following email address: orders_and_judgments@nysd.uscourts.gov.

Any request for an extension or adjournment shall be made only by letter as provided in Individual Rule I.B.2 and must be received at least 48 hours before the deadline or conference. Unless counsel are notified that the conference has been adjourned, it will be held as scheduled.

Counsel who have noticed an appearance as of the issuance of this order are directed (i) to notify all other parties' attorneys in this action by serving upon each of them a copy of this order and the Court's Individual Rules forthwith, and (ii) to file proof of such notice with the Court. If unaware of the identity of counsel for any of the parties, counsel receiving this order must send a copy of this order and Individual Rules to that party personally.

DATE AND PLACE OF CONFERENCE: November 25, 2013, at 11:20 a.m., in **Courtroom 1106** of the United States District Court for the Southern District of New York, Thurgood Marshall U.S. Courthouse at **40 Foley Square**, New York, New York.

Dated: October 11, 2013
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE